



Mack H Shumate, Jr.  
Senior General Attorney, Law Department

October 29, 2008

223862

**VIA E-FILING/U.P.S. OVERNIGHT**

The Honorable Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20423-0001

**Re: Abandonment Exemption and Discontinuance of Operations over the Weber Industrial Lead from M.P. 5.8 near Wilson Avenue to M.P. 9.5 near Touhy Avenue, a distance of 3.7 miles in Cook County, Illinois; STB Docket No. AB-33 (Sub-No. 263X)**

Dear Ms. Quinlan:

Pursuant to the Board's exemption procedures for abandonment of rail lines with no local business for at least two years (49 C.F.R. § 1152.50), I am hereby e-filing the Verified Notice of Exemption, including a Certificate of Service and Publication, the original of which is enclosed and sent to you via U.P.S. Overnight/Next Day Air for your reference.

Please file the Notice of Exemption in Docket No. AB-33 (Sub-No. 263X). Enclosed is a credit authorization voucher in the amount of \$3,700.00 for the filing fee.

Sincerely,

**FEE RECEIVED**  
OCT 29 2008  
SURFACE  
TRANSPORTATION BOARD

Attachment

cc: All Concerned Parties

**FILED**

OCT 29 2008

**SURFACE  
TRANSPORTATION BOARD**

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Before the  
SURFACE TRANSPORTATION BOARD

223862

Docket No. AB-33 (Sub-No. 263X)

UNION PACIFIC RAILROAD COMPANY  
-- NOTICE OF EXEMPTION --  
IN COOK COUNTY, ILLINOIS  
(WEBER INDUSTRIAL LEAD)

NOTICE OF EXEMPTION

**FILED**  
OCT 29 2008  
SURFACE  
TRANSPORTATION BOARD

UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr., Senior General Attorney  
101 North Wacker Drive, Room 1920  
Chicago, Illinois 60606  
Tel. 312-777-2055  
Fax. 312-777-2065

**FEE RECEIVED**  
OCT 29 2008  
SURFACE  
TRANSPORTATION BOARD

Dated. October 29, 2008

Filed: October 29, 2008

Before the  
SURFACE TRANSPORTATION BOARD

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Docket No. AB-33 (Sub-No. 263X)

UNION PACIFIC RAILROAD COMPANY  
-- NOTICE OF EXEMPTION --  
IN COOK COUNTY, ILLINOIS  
(WEBER INDUSTRIAL LEAD)

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**NOTICE OF EXEMPTION**

Union Pacific Railroad Company ("UP") submits this verified Notice of Exemption pursuant to 49 C.F.R. §1152, Subpart F – Exempt Abandonments and Discontinuances of Service and Trackage Rights, for an exempt abandonment of the Weber Industrial Lead from Milepost 5.8 near Wilson Avenue, Chicago to Milepost 9.5 near Touhy Avenue, Skokie, a distance of 3.7 miles in Cook County, Illinois (the "Line").

**Proposed Consummation Date: - 49 C.F.R. §1152.50 (d)(2)**

The abandonment is proposed to be consummated on or after December 18, 2008 (at least 50 days after filing the Notice of Exemption).

**Certification: 49 C.F.R. §1152.50(b)**

UP certifies that no local traffic has moved over the Line for at least two years, and that no formal complaint filed by a user of rail service on the Line (or filed by a state or local governmental entity acting on behalf of such user) regarding cessation of service over the Line either is pending with this Board or any U.S. District Court or has been decided in favor of the complainant within the two-year period. UP further certifies that there is no overhead traffic on the Line

**Additional Information Required: 49 C.F.R. §1152.22(a)(1) (4), (7)-(8) and (e)(4)**

**(a) General.**

**(a)(1) The railroads' exact name is Union Pacific Railroad Company.**

**(a)(2) UP is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.**

**(a)(3) UP intends to abandon the Line from Milepost 5.8 near Wilson Avenue, Chicago to Milepost 9.5 near Touhy Avenue, Skokie, a distance of 3.7 miles. The Line is located in Cook County, Illinois.**

**(a)(4) A map showing the location of the Line in conjunction with other rail lines, highways and major roads in the area is attached hereto as **Exhibit A** and hereby made a part hereof.**

**(a)(7) The representative to whom correspondence regarding this abandonment should be sent is:**

**Mack H. Shumate, Jr., Senior General Attorney  
Union Pacific Railroad Company  
101 North Wacker Drive, Room 1920  
Chicago, Illinois 60606  
Tel: 312-777-2055  
Fax: 312-777-2065**

**(a)(8) ZIP Code. The Line traverses U S Postal Service Zip Codes 60630, 60646, 60659, 60712 and 60076.**

**(e)(4) Rural and Community Impact. The Line between Milepost 5.8 and approximately Milepost 7.1 was originally constructed by the Chicago Northern Railway in 1903 and consists today mostly of 112-pound jointed rail installed in 1977, with the remainder being 100-pound jointed rail installed at an unknown date. The Line north of Milepost 7.1 was originally constructed by the Junction Railway Company in 1889 and consists of 90-pound rail installed in the years 1901 and 1902.**

The substantial portion of the Line is non-reversionary and owned by UP. There are a few parcels along the Line that were acquired by condemnation actions in 1890. These parcels account for approximately 12.8 acres and are considered reversionary property.

The abandonment will have no adverse effect on shippers. No local traffic has moved on the Line in at least two years, and there is no overhead traffic on the Line. No complaint regarding cessation of service has been submitted, is pending, or has been ruled upon in favor of a complainant in the last two years. After abandonment, the closest rail service will be provided by UP just south of the abandonment at the station of Mayfair. The Line lies in Chicago, Lincolnwood, and Skokie; thus, businesses in the area would be near all the railroads serving Chicago and would have numerous street and highway options such as Interstates 90 and 94, which run close to the Line. Barge service and Great Lakes shipping service are also available.

The right-of-way proposed for abandonment possibly could be suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. The City of Chicago has expressed an interest to acquire the right-of-way for conversion to a bicycle and pedestrian trail. The Village of Lincolnwood has expressed an interest to acquire a portion of the right-of-way for conversion to a pedestrian trail or similar use. Based on information in UP's possession, the Line does not contain federally granted right-of-way. Any documentation in UP's possession will be made available to those requesting it.

### **Labor Protection**

The interests of railroad employees will be protected by the conditions discussed in Oregon Short Line Railroad Co. – Abandonment – Goshen , 360 ICC 91 (1979).

### **Certifications**

Attached hereto as **Exhibit B** and hereby made a part hereof is a Certificate of Service and Publication pursuant to the notice requirements of 49 C.F.R.

§§1152.50(d)(1), 1105.11 and 1105.12

### **Environmental and Historic Report**

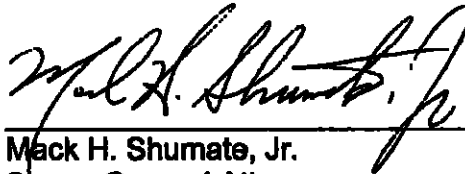
A copy of the Transmittal Letter of UP's Combined Environmental and Historic Report containing the information required by 49 C.F.R. §§1105.7 (e) and 1105.8, and delivered in accordance with 49 C.F.R. §1105.11, is attached hereto as **Exhibit C** and hereby made a part hereof. The original was filed electronically with Anne K. Quinlan, Section of Environmental Analysis (SEA), on August 21, 2008. The Illinois Historic Preservation Agency has been provided with photographs of each of the structures on the property that are 50 years old or older. The Illinois Deputy State Historic Preservation Officer examined available documentation concerning the proposed abandonment and concluded that there will be no historic properties affected by the project.

At this time, UP knows of no historic sites or structures or archeological resources on the Line or in the project area. UP believes that there is nothing in the scope of the project that merits historical comment and that any archeological sites within the scope of the right-of-way would have previously been repeatedly disturbed during the construction and maintenance of the Line.

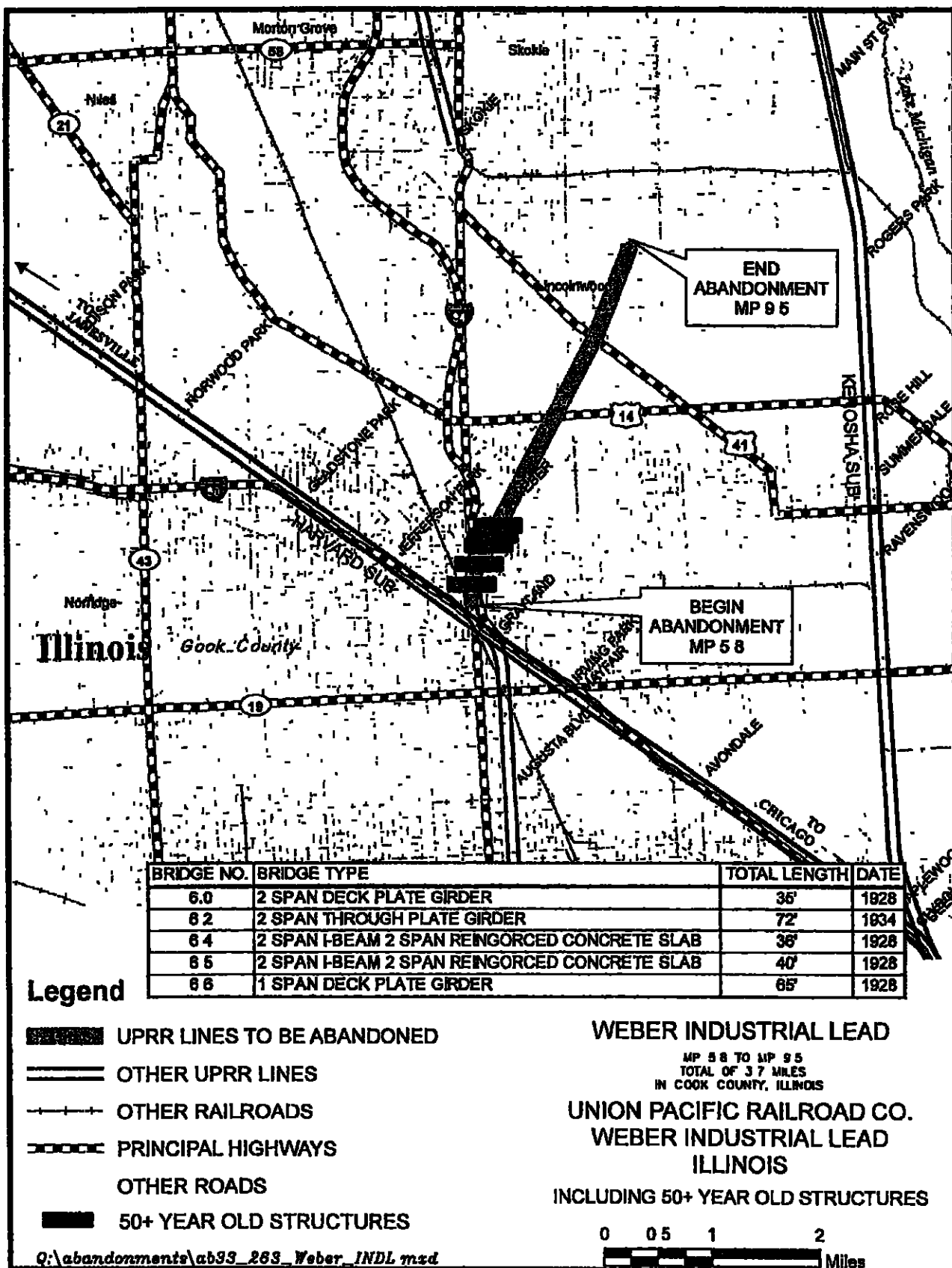
Dated this 29<sup>th</sup> day of October, 2008.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", written over a horizontal line.

Mack H. Shumate, Jr.  
Senior General Attorney  
101 North Wacker Drive, Room 1920  
Chicago, Illinois 60606  
Tel: 312-777-2055  
Fax: 312-777-2065





**UNION PACIFIC RAILROAD COMPANY**  
**--ABANDONMENT EXEMPTION--**  
**IN COOK COUNTY, ILLINOIS**  
**(WEBER INDUSTRIAL LEAD)**

**CERTIFICATE OF SERVICE AND PUBLICATION**

**49 C.F.R. § 1152.50(d)(1) - Notice**

The undersigned certifies that on September 23, 2008 (at least 10 days before a Notice of Exemption is filed), written notice was given of Union Pacific's intent to use the exemption notice procedure to abandon the Weber Industrial Lead from Milepost 5.8 near Wilson Avenue to Milepost 9.5 near Touhy Avenue, a distance of 3.7 miles, in Cook County, Illinois in Docket No AB-33 (Sub-No. 263X). Written notice (a copy of which is attached) was served on the following.

Mr. Steve Klokenga  
State Single Point of Contact  
Office of the Governor  
State of Illinois  
107 Stratton  
Springfield, IL 62706

Mr Daniel Injerd, Chief  
Lake Michigan Management Section  
Division of Water Resources  
Illinois Department of Transportation  
36 South Wabash Ave., Suite #1415  
Chicago, IL 60603-2921

Regional Environmental Coordinator  
National Park Service  
Midwest Regional Office  
601 Riverfront Drive  
Omaha, NE 68102

U.S Department of Agriculture  
Chief of the Forest Service  
4<sup>th</sup> Floor, N.W., Auditors Building  
14<sup>th</sup> St. & Independence Ave., S.W.  
Washington, DC 20250

Headquarters  
Military Surface Deployment &  
Distribution  
Command  
Transportation Engineering Agency  
ATTN: SDTE-SA  
(Railroads for National Defense)  
709 Ward Drive, Building 1990  
Scott AFB, IL 62225-5357

**49 C.F.R. § 1105.11—Environmental and Historic Report**

The undersigned certifies that on August 21, 2008 (at least 20 days before a Notice of Exemption is filed), a Combined Environmental and Historic Report pursuant to 49 C.F.R. §§ 1105.7 and 1105.8 was served in Docket No. AB-33 (Sub-No. 263X) for abandonment and discontinuance of the Weber Industrial Lead in Cook County, Illinois on the following:

- (1) State Clearinghouse (or alternate)
- (2) State Environmental Protection Agency
- (3) State Coastal Zone Management Agency
- (4) Head of each County
- (5) U.S. Environmental Protection Agency (regional office)
- (6) U.S. Fish and Wildlife Service
- (7) U.S. Army Corps of Engineers
- (8) National Park Service
- (9) U.S. Natural Resources Conservation Service
- (10) The National Geodetic Survey
- (11) State Historic Preservation Office
- (12) Other Agencies Consulted (as listed)

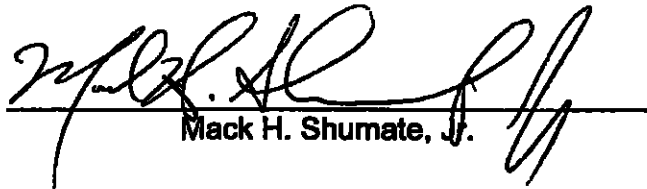
(The Certificate of Service attached to the Combined Environmental and Historic Report lists the names and addresses of the federal, state and local agencies served.)

**49 C.F.R. § 1105.12 - Newspaper Notice**

The undersigned further certifies that a "Notice of Intent to Abandon" was published in the form prescribed by the Board for a Notice of Exemption. The Notice was published one time in a major newspaper in the county in which the Line is located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Cook	Chicago Daily Herald	October 29, 2008

Dated this 29th day of October, 2008.

  
Mack H. Shumate, Jr.



Mack H. Shumate, Jr.  
Senior General Attorney, Law Department

August 21, 2008

VIA E-FILEING

Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20423-0001

**Re: Abandonment Exemption and Discontinuance of Operations over the Weber Industrial Lead from M.P. 5.8 near Wilson Avenue to M.P. 9.5 near Touhy Avenue, a distance of 3.7 miles in Cook County, Illinois; STB Docket No. AB-33 (Sub-No. 263X)**

Dear Ms. Quinlan:

Attached for filing in the above-referenced docket is the Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Notice of Exemption to abandon and discontinue service in this matter on or after September 10, 2008.

Sincerely,

A handwritten signature in black ink, appearing to be "Mack H. Shumate, Jr.", written over a horizontal line.

Attachment

cc: All Concerned Parties

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**VERIFICATION**

STATE OF NEBRASKA )

COUNTY OF DOUGLAS )


) ss  
)

I, RAYMOND E ALLAMONG, JR , Senior Manager Rail Line Planning of Union Pacific Railroad Company, declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing document and that its assertions are true and correct to the best of my knowledge, information and belief I further declare that I am qualified and authorized to submit this verification on behalf of Union Pacific Railroad Company I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U S C 1001 by imprisonment up to five years and fines up to \$10,000 for each offense Additionally, I know that these misstatements are punishable as perjury under 18 U S C 1621, which provides for fines up to \$2,000 or imprisonment up to five years for each offense

Dated at Omaha, Nebraska, this 21st day of October, 2008

  
Raymond E Allamong, Jr.

SUBSCRIBED AND SWORN TO  
before me this 21st day of  
October, 2008

  
Notary Public

My Commission expires \_\_\_\_\_



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